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PART III

Notifications by High Court, Advertisement, Notices and Change of Name etc.

THE HARYANA REAL ESTATE REGULATORY AUTHORITY GURUGRAM

Notification

The 21st August, 2021

The Haryana Real Estate Regulatory Authority Gurugram (Fixing of Standard Fees to be Levied on the Promoter) Regulations, 2021

No. 22/RERA GGM Regulations 2021.— In exercise of the powers conferred on it under section 85(2)(h) read with section 34(e) of the Real Estate (Regulation and Development) Act, 2016 and all other powers enabling it in that behalf the Haryana Real Estate Regulatory Authority Gurugram, hereby makes the Haryana Real Estate Regulatory Authority Gurugram (Fixing of Standard Fees to be Levied on the Promoter) Regulations, 2021 in supersession of regulations made earlier specifying the processing fee for scrutiny of application of registration of real estate project under section 4 of the Real Estate (Regulation and Development) Act, 2016 read with rule 3 of the Haryana Real Estate (Regulation and Development) Rules, 2017, processing fees to be accompanied with the application for grant of extension of real estate project under section 6 of the Real Estate (Regulation and Development) Act, 2016 read with rule 6 of the Haryana Real Estate (Regulation and Development) Rules, 2017 and the standard fees levied upon delay in making an application for registration/extension of real estate project with the Authority.

*Further the regulations notified earlier in the Haryana Government gazette are as follows:

Sr. No.	Regulation	Notification number	Date
1.	The Haryana Real Estate Regulatory Authority Gurugram (Late Fees for Registration of On-going Real Estate Projects) Regulations, 2018	No. 9/RERA GGM Regulations 2018	5th December 2018
2.	The Haryana Real Estate Regulatory Authority, Gurugram (Processing Fee for Registration of Real Estate Projects) Regulations, 2018.	No. 13 /RERA GGM Regulations 2019	6th December, 2018
3.	The Haryana Real Estate Regulatory Authority, Gurugram (Processing Fee for Registration of Real Estate Projects) First Amendment Regulations, 2019	No. 14 /RERA GGM Regulations 2019	14th February, 2019
4.	Haryana Real Estate Regulatory Authority, Gurugram (late fee for delay in applying for extension of registration of real estate project) Regulations, 2019	No. 17/ RERA GGM Regulations 2019	10th May, 2019

***stand repealed with effect from date of enforcement of the Haryana Real Estate Regulatory Authority Gurugram (Fixing of Standard Fees to be Levied on the Promoter) Regulations, 2021.**

1. Short Title, Object, Commencement and Extent:

- (a) These regulations may be called the Haryana Real Estate Regulatory Authority Gurugram (Fixing of Standard Fees to be Levied on the Promoter) Regulations, 2021.
- (b) The purpose of the Haryana Real Estate Regulatory Authority Gurugram (Fixing of Standard Fees to be Levied on the Promoter) Regulations, 2021 is to specify levy of standard fee for processing the application for registration/extension of real estate project with the Authority. Section 34(e) of the Act authorises authority “to fix through regulations for each area under its jurisdiction the standard fees to be levied on the allottees or the promoter or the real estate agent, as the case may be.” Accordingly, these regulations aim to fix the following Standard Fee:
 - (i) Standard Fee to be levied on promoters for processing of application for grant of registration of real estate projects under section 4 of the Real Estate (Regulation and Development) Act, 2016
 - (ii) Standard Fee for processing of application for grant of extension of real estate projects under section 6 of the Real Estate (Regulation and Development) Act, 2016.
 - (iii) Standard Fee for Processing of application for permitting continuation of registration u/s 7(3) of the Real Estate (Regulation and Development) Act, 2016.
 - (iv) Standard Fee for Processing of application for grant of registration to real estate agent u/s 9 of the Real Estate (Regulation and Development) Act, 2016.
 - (v) Standard Fee for Processing application for change of bank account.
 - (vi) Standard Fee for Processing application for amendment in RC.
 - (vii) Standard fee for delay in applying for registration of ongoing real estate projects.
 - (viii) Standard Fee for delay in applying for extension of registration of real estate project.
 - (ix) Standard Fee for withdrawing application for registration of the project.
 - (x) Standard Fee for withdrawing application for registration of the real estate agent.
 - (xi) Standard Fee for any other matter as Authority may decide from time to time.
- (c) These regulations will come into force from the date of their publication in the official gazette.
- (d) The Haryana Real Estate Regulatory Authority Gurugram (Fixing of Standard Fees to be levied on the Promoter) Regulations, 2021 shall apply to matters as mentioned in (b) above for projects falling within the jurisdiction of the Real Estate Regulatory Authority, Gurugram as notified by the Government of Haryana *vide* notification No. 1/92/2017-ITCP dated 14/12/2017, which comprises entire area of Gurugram district.

2. Definitions

Unless the context otherwise requires in these regulations: -

- (i) “Act” means the Real Estate (Regulations and Development) Act, 2016 as amended from time to time.
- (ii) “Rules” means the Haryana Real Estate Regulatory Authority (Regulation and Development) Rules, 2017 as amended from time to time.
- (iii) “Regulations” means the Haryana Real Estate Regulatory Authority, Gurugram (Fixing of Standard Fees to be Levied on the Promoter) Regulations, 2018 as amended from time to time.
- (iv) “Authority” means the Haryana Real Estate Regulatory Authority, Gurugram.
- (v) “Authority members” means the members of the Authority including the Chairperson.
- (vi) “Promoter” shall have the same meaning as assigned to it under sub-section (zk) of section 2 of the Act.
- (vii) “Real Estate Project” shall have the same meaning as assigned to it under sub-section (zn) of section 2 of the Act.
- (viii) “Processing Fee” is the standard fee to be deposited by the promoter along with the application of registration of real estate project to be submitted as per requirement of section 4 of the Act read with rule 3 of the Rules for scrutiny and processing of such application and requisite documents.
- (ix) “Standard fee” is the fee to be levied on the promoter under section 34 (e) of the Real Estate (Regulations and Development) Act, 2016 for the matters as mentioned in 1 (b) of these regulations.

- (a) Further section 85 (h) of the Act empowers the authority to make regulations regarding “standard fees to be levied on the promoter, the allottees or the real estate agent under clause (e) of section 34.”

- (b) Section 34 (e) of the Real Estate (Regulations and Development) Act, 2016 states as under:

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“(e) to fix through regulations for each areas under its jurisdiction the standard fees to be levied on the allottees or the promoter or the real estate agent, as the case may be.”

3. Registration of real estate project, provision in the Real Estate (Regulation and Development) Act, 2016, Haryana Real Estate (Regulation and Development) Rules, 2017 and Regulations made by the authority.

- (a) Section 4 (2) of the Real Estate (Regulation and Development) Act, 2016 provides as under:

Application for registration of real estate projects

- (1) “Every promoter shall make an application to the Authority for registration of the real estate project in such form, manner, within such time and accompanied by such fee as may be subscribed.”

- (b) (i) Rule 3(2) of Haryana Real Estate (Regulation and Development) Rules, 2017 provides as under:

Application for registration

- (2) “The promoter shall pay a registration fee at the time of application for registration by way of a demand draft or a banker(s) cheque in favour of Haryana Real Estate Regulatory Authority drawn on any scheduled bank or through online payment mode, as the case may be, for a sum calculated at the rate mentioned in schedule 1.”

RATES OF REGISTRATION FEE TO BE PAID BY THE PROMOTER

(Rs. per sq.m.)

(As per schedule 1) (See Rule 3(2))

Sr no.	Category of uses	Hyper/high potential I & II	Medium/Low potential
1.	Residential/Industrial	10	5
2.	Commercial/ cyber park	20	10
3.	Plotted Colony	10	10

Note :-

- (1) Category of zones as defined in schedule mentioning rate of license fee in Rule 1976 of the Haryana Development and Regulation of Urban Area Act, 1975
- (2) In case of residential/industrial plotted colony, the rate would be applicable for gross area of the colony.
- (3) In the case of group housing/commercial /cyber park, rates are up to 100 FAR and would be proportionately higher for higher FAR.
- (ii) **The Authority hereby fixes following Standard Fee for processing of application for registration of the real estate project, processing of application for extension of registration of real estate project, for delay in filing application for registration of ongoing projects**

I- STANDARD FEE FIXED AS PER PROVISIONS OF SECTION 34(e) OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016		
Standard Fee for processing of application for Registration of Project		
1.	Residential/Commercial/Industrial	RS. 10/- per sq.m. of total floor area as per FAR
2.	Plotted colony	Rs 10/- per sq.m. of total area of plotted colony.
II- STANDARD FEE FIXED FOR PROCESSING OF APPLICATION FOR EXTENSION OF REGISTRATION OF REAL ESTATE PROJECT, PERMITTING REGISTRATION OF PROJECT TO REMAIN IN FORCE U/S 7(3) OF THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT, 2016		
1.	Residential/Commercial/ Industrial	RS. 10 per sq.m. of total floor area as per FAR
2.	Plotted colony	Rs 10/- per sq.m. of total area of plotted colony
III- STANDARD FEE PAYABLE FOR DELAY IN REGISTRATION OF ONGOING REAL ESTATE PROJECTS WHERE APPLICATIONS HAVE BEEN SUBMITTED AFTER 31.10.2017		
1	In addition to, prescribed registration fee as per schedule 1 of the Haryana Real Estate (Regulation and Development) Rules, 2017, 50%	50% of prescribed registration fees as standard fee for delay of first six months.
2	Thereafter the standard fee for delay in filing application for registration	Shall be increased to 50% of the registration fee for every next six months or part thereof.

4. Extension of real estate project, provision in the Real Estate (Regulation and Development) Act, 2016, Haryana Real Estate (Regulation and Development) Rules, 2017 and regulations made by the authority.

(a) Section 6 of Real Estate (Regulation and Development) Act, 2016 provides as under

6 Extension of registration

“The registration granted under section 5 may be extended by the authority on an application made by the promoter due to force majeure, in such form and on payment of such fee as may be prescribed:

Provided that the authority may in reasonable circumstances, without default on the part of the promoter, based on the facts of each case, and for reasons to be recorded in writing, extend the registration granted to a project for such time as it considers necessary, which shall, in aggregate, not exceed a period of one year:

Provided further that no application for extension of registration shall be rejected unless the applicant has been given an opportunity of being heard in the matter. “

Explanation. - *for the purpose of this section, the expression “force majeure” shall mean a case of war, flood, drought, fire, cyclone, earthquake or any other calamity caused by nature affecting the regular development of the real estate project. “*

- (b) (i) **Rule 6(2) of the Haryana Real Estate (Regulation and Development) Rules, 2017 provides as under:**

“6 (2) The application for extension of registration shall be accompanied with a demand draft or a bankers cheque in favour of “Haryana Real Estate Regulatory Authority” drawn on any scheduled bank or through online payment mode, as the case may be, for an amount equivalent to half the registration fees as prescribed under sub-rule (2) of rule 3 along with an explanatory note setting out the reasons for delay in the completion of the project and the need for extension of registration for the project, along with documents supporting such reasons:

Provided that where extension of registration is due to force majeure, court orders, Government policy/guidelines, decisions, the authority may at its discretion, waive the extension fee of registration

FEE PAYABLE FOR APPLICATION FOR EXTENSION OF PROJECT

Sr. No.	Category of uses	Hyper/high potential I & II	Medium/Low potential
1.	Residential/Industrial	Half of registration fees	
2.	Commercial/ cyber park		
3.	Plotted colony		

- (ii) The Authority hereby fixes following Standard Fee for delay in making application for extension of registration of real estate project under section 6 of the Act *ibid*.

Standard Fee for delay in submitting application for extension of registration of real estate project

- i. Standard Fee @ 50% of the registration fee in addition to the fee for such extension of registration for first one month of delay in filing application for extension of registration of real estate project.
- ii. Thereafter standard fee for delay in filing application for registration of real estate project for delay more than one month shall be increased to 50 % of the registration fee for every additional month or part thereof.

- (c) (i) **Extension fee under 7 (3) of the Real Estate (Regulation and Development) Act, 2016 provides as under:**

(3) “The authority may instead of revoking the registration under sub section (1), permit it to remain into force subject to such other terms and conditions as it thinks fit to impose in the interest of the allottees , and any such terms and conditions shall be binding upon the promoter”

- (ii) The Authority hereby fixes following Standard Fee for permitting the registration to remain in force under section 7 (3) of the Act *ibid*.

Sr. No.	Category of uses	STANDARD FEE FOR PERMITTING REGISTRATION TO REMAIN IN FORCE
1.	Residential/Industrial	Application for extension of real estate project shall be made with the Authority 3 months prior to the date of expiry of the extension period Extension fee for one year multiply by no. of years for which permission for continuation of registration of real estate project certificate applied. Thereafter fee shall be levied @ 50% for every month of delay.
2.	Commercial/ cyber park	
3.	Plotted colony	

5. Standard Fee for processing of application of registration of real estate agents

Standard Fee @ Rs.5000/- shall be levied for scrutiny of application of registration of real estate agents.

6. Standard Fee for processing of application for change of bank account

Standard Fee @ Rs.5000/- shall be levied in case of application for any change in the bank account.

7. Standard Fee for amendment in RC

Standard Fee @ Rs.5000/- shall be levied in case of application for any change/ amendment in the RC issued by this Authority.

8. Fee for withdrawing application for registration of the project

In case the promoter applies for withdrawal of application for registration of the project before the expiry of the period of thirty days specified under sub-section (1) of section 5 of the Real Estate (Regulation and Development) Act, 2016 a Standard Fee to the extent of 10% or Rs. 50,000 whichever is more, will be deducted from the project registration fee paid by the developer and the remaining amount will be refunded to the promoter within thirty days from the date of such withdrawal.

9. Standard Fee for withdrawing application for registration of the real estate agent

In case the real estate agent applies for withdrawal of application for registration of the real estate agent before the expiry of the period of thirty days specified under Rule 10 of the Haryana Real Estate (Regulation and Development) Rules, 2017 a processing fee to the extent of 10% or Rs. 5,000 whichever is more, will be deducted from the Agent registration fee paid by the applicant and the remaining amount will be refunded to the applicant within thirty days from the date of such withdrawal.

10. Miscellaneous

1. The authority may waive partly or fully at its discretion on an application by the promoter seeking such waiver on grounds mentioned therein and found to be just and reasonable.
2. The authority reserves its rights to make any amendments in these regulations as and when required as approved by the Authority.
3. These regulations have been approved by the Authority in its 96th meeting held on 17.08.2021.

(Sd.)...,
Secretary,
For: Haryana Real Estate Regulatory Authority,
Gurugram.